

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,

Plaintiff,

V.

D. CEBALLOS,

Defendant.

Case No. 1:21-cv-00327-KES-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO (1) GRANT
PLAINTIFF'S MOTION TO LIFT STAY
AND ABEYANCE AND REQUEST FOR
ENTRY OF JUDGMENT BY DEFAULT,
AND (2) GRANT IN PART PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT CEBALLOS

Docs. 50, 244, 250

Plaintiff Kristin Hardy is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2025, the assigned magistrate judge issued findings and recommendations recommending that (1) plaintiff's motion to lift stay and abeyance and plaintiff's request for entry of judgment by default be granted, and (2) plaintiff's motion for default judgment against defendant Ceballos be granted in part. Doc. 250. The findings and recommendations contained notice that any objections thereto were to be filed within thirty days after service. *Id.* at 17. On August 20, 2025, plaintiff filed objections to the findings and recommendations. Doc. 251.

In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of this case. In his objections, plaintiff objects to the \$5,000 award of punitive damages as insufficient, but plaintiff fails to identify any error in the reasoning of the findings and recommendations and fails to provide any authority that would justify a higher punitive damage award.¹

Having carefully reviewed the file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly:

1. The findings and recommendations issued on August 8, 2025, Doc. 250, are adopted in full;

2. Plaintiff's motion to lift stay and abeyance and request for entry of judgment by default, Doc. 244, is GRANTED;

3. Plaintiff's motion for default judgment, Doc. 50, against defendant Ceballos is GRANTED IN PART as follows:

- a. The Clerk of the Court is directed to enter judgment in favor of plaintiff and against defendant Ceballos on plaintiff's Fourth Amendment claim under 42 U.S.C. § 1983 for unreasonable search;
- b. Plaintiff is awarded \$5,000 in compensatory damages and \$5,000 in punitive damages against defendant Ceballos.

4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: September 21, 2025

John Smith

UNITED STATES DISTRICT JUDGE

¹ Plaintiff also objects to the lack of clarity regarding how plaintiff will recover the amounts awarded in the judgment. The judgment collection process is beyond the scope of the findings and recommendations and this Order. Plaintiff is referred generally to Rule 69 of the Federal Rules of Civil Procedure.